

Message Text

LIMITED OFFICIAL USE

PAGE 01 MEXICO 07914 122342Z
ACTION L-03

INFO OCT-01 ARA-10 ISO-00 SCS-06 CA-01 JUSE-00 H-01
HA-05 (ISO) W
-----099248 132135Z /65
R 122333Z MAY 78
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 0208

LIMITED OFFICIAL USE MEXICO 07914

E. O. 11652: N/A
TAGS: CARR, PFOR, MX
SUBJECT: U. S. MEXICO TREATY ON EXECUTION OF PENAL
SENTENCES - IMPLEMENTATION OF ARTICLE VIII (2).

REF: MEXICO 6835; STATE 102417; STATE 36281; MEXICO
4343

1. IN CONVERSATION BETWEEN CONSUL GENERAL MCANINCH AND
ATTORNEY GENERAL FLORES SANCHEZ, LATTER EXPRESSED
PREFERENCE THAT AGREEMENT TO IMPLEMENT ARTICLE VIII
(2) OF TREATY ON EXECUTION OF PENAL SENTENCES BE
ACCOMPLISHED BY EXCHANGE OF LETTERS BETWEEN DESIGNATED
AUTHORITIES; I. E., U. S. DEPARTMENT OF JUSTICE AND
PROCURADURIA GENERAL FOR MEXICO. LEGAL ADVISER GAITHER
IN CONVERSATION WITH FOREIGN RELATIONS UNDERSECRETARY
ROSENZWEIG DIAZ OBTAINED SIMILAR READING WHEREIN
ROSENZWEIG DIAZ INDICATED HE DID NOT WISH TO SEE A
FORMAL AGREEMENT TO ACCOMPLISH THE IMPLEMENTATION OF
THE PROVISION. ROSENZWEIG DIAZ STATED THAT AN EXCHANGE
OF LETTERS FROM THE DESIGNATED AUTHORITIES WOULD BE
SUFFICIENT IN HIS VIEW PREFERABLE, AND THAT THE MATTER
WOULD NOT NEED THEREFORE TO GO THROUGH THE MINISTRY OF
FOREIGN RELATIONS.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MEXICO 07914 122342Z

2. THE ABOVE WAS CONFIRMED WHEN DEPARTMENT'S PROPOSED
TEXT WAS SHOWN TO EXECUTIVE OFFICER, LIC. FERNANDO
BAEZA, OF THE ATTORNEY GENERAL'S OFFICE. BAEZA INDICATED
THAT ATTORNEY GENERAL'S STRONG DESIRE WAS FOR AN
EXCHANGE OF LETTERS BETWEEN THE AUTHORITIES AND NOT
FORMAT PROPOSED BY THE DEPARTMENT.

3. BAEZA HAD A SUBSTANTIVE PROBLEM WHICH HE INDICATED HE WILL TAKE TO THE ATTORNEY GENERAL: HE DOES NOT WISH THE AGREEMENT TO MAKE ANY REFERENCE WHICH MIGHT REQUIRE THE NECESSITY FOR OBTAINING CONSENT OF A GUARDIAN. HE EXPLAINED THAT THIS WAS LEGALLY NOT NECESSARY UNDER MEXICAN LAW AND THAT TO IMPOSE SUCH A REQUIREMENT WOULD REQUIRE COURT ROLE WHICH WOULD CAUSE SERIOUS AND PROLONGED DELAYS. ACCORDINGLY, BAEZA PROPOSED RE DRAFT OF THE AGREEMENT WHICH WOULD DELETE ANY REFERENCE TO GUARDIANS AND A CHANGE IN THE FORMAT SO AS TO RESULT IN EXCHANGE OF LETTERS BETWEEN THE TWO ATTORNEYS GENERAL.

4. BASED ON THE DISCUSSION, THE EMBASSY WOULD ENVISION THE AGREEMENT ALONG LINES BEING SENT SEPTTEL.

5. COMMENT: RE FORMAT OF AGREEMENT, GOM CLEARLY WISHES EXCHANGE OF LETTERS. ON QUESTION OF REFERENCE TO GUARDIANS, EMBASSY AGREES THAT THIS WOULD CAUSE DELAYS AND WOULD BEST BE DELETED. DURING DISCUSSION, IT WAS NOTED THAT DELETION OF REFERENCE TO GUARDIANS COMBINED BY RETENTION OF PHRASE "UNDER ITS LAW" WOULD HAVE FOLLOWING RESULT: GOM WOULD PURSUE REQUESTS WITHOUT GUARDIAN WHILE U. S. WOULD ACT ON GOM REQUESTS WITH A GUARDIAN. SHOULD USG NEED GUARDIAN APPOINTED FOR HEARING IN MEXICO PRIOR TO RETURN OF AN INDIVIDUAL TO U. S., EMBASSY DOES NOT SEE ANY DIFFICULTY IN SUCH LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MEXICO 07914 122342Z

A PROCEDURE. AS DESCRIBED BY BAEZA, GOM WOULD HAVE TO HAVE REPORTS OF TWO MEDICAL EXPERTS BEFORE IT COULD PROCEED.

6. ACTION REQUESTED: REQUEST DEPARTMENT'S COMMENTS ON APPROVAL TO TEXT SENT REFTTEL. THOMPSON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, TEXT, PRISONER EXCHANGE
Control Number: n/a
Copy: SINGLE
Draft Date: 12 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MEXICO07914
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780204-0218
Format: TEL
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780565/aaaaccrk.tel
Line Count: 100
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 153e969f-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 MEXICO 6835, 78 STATE 102417, 78 STATE 36281
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2708186
Secure: OPEN
Status: NATIVE
Subject: U. S. MEXICO TREATY ON EXECUTION OF PENAL SENTENCES - IMPLEMENTATION OF ARTICLE VIII (2).
TAGS: CARR, PFOR, PEPR, MX, US, (FLORES SANCHEZ, OSCAR)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/153e969f-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014